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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9
10 UNITED STATES OF AMERICA,

11 NO. CR09-351-JLR

12 v.
13 Plaintiff,

14 CECIL J. HODGIN,

15 Defendant.

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SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An evidentiary hearing on a Petition for Violation of Supervised Release and an initial hearing on Supplemental Violations were held before the undersigned Magistrate Judge on December 18, 2012. The United States was represented by Assistant United States Attorney Andy Colasurdo, and the defendant by Jeffrey B. Coopersmith.

The defendant had been charged and convicted of Bank Fraud, in violation of 18 U.S.C. § 1344. On or about February 1, 2010, defendant was sentenced by the Honorable James L. Robart, to a term of 8 months in custody, to be followed by 5 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance abuse and mental health programs, financial disclosure, \$4,886.63 restitution, submit to search, no new lines of credit, and no identification except in his legal name.

1 In a Petition for Warrant or Summons, dated August 3, 2012, U.S. Probation Officer
2 Felix Calvillo, Jr. asserted the following violations by defendant of the conditions of his
3 supervised release:

- 4 1. Using methamphetamine on or before 05/24/12 and 05/29/12, in violation of
5 the general condition of supervision to refrain from unlawful use of a
6 controlled substance and standard condition #7.
- 7 2. Failing to report for drug testing on 06/15/12, 06/21/12 and 07/09/12, in
8 violation of the special condition of drug aftercare.

9 In a Supplemental Violation Report dated December 14, 2012, U.S. Probation Officer
10 Felix Calvillo, Jr. asserted the following violations by defendant of the conditions of his
11 supervised release:

- 12 3. Failing to submit a written report to the U.S. Probation Office, as directed,
13 for the months of October and November 2012, in violation of standard
14 condition #2.
- 15 4. Failing to report for drug testing on 11/19/12 and 11/30/12, as directed, in
16 violation of the special condition of drug aftercare and standard condition
17 #2.
- 18 5. Failing to make \$75.00 monthly payments towards restitution since
19 05/01/12, in violation of the general condition and the special condition of
20 supervised release.

21 On August 29, 2012, defendant made his initial appearance on alleged violations 1 and
22 2. Defendant was advised of the allegations and advised of his rights. On December 18, 2012,
23 defendant appeared for an evidentiary hearing on alleged violations 1 and 2, and made his
24 initial appearance on supplemental violations 3, 4 and 5. Defendant was advised of the alleged
25 supplemental violations. Defendant admitted violations 1, 2, 3, 4 and 5.

1 I therefore recommend that the Court find the defendant to have violated the terms and
2 conditions of his supervised release as to violations 1, 2, 3, 4 and 5, and that the Court conduct
3 a hearing limited to disposition. A disposition hearing on these violations has been set before
4 the Honorable James L. Robart on January 28, 2013 at 1:30 p.m.

5 Pending a final determination by the Court, the defendant has been released, subject to
6 supervision.

7 DATED this 18th day of December, 2012

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10 JAMES P. DONOHUE
United States Magistrate Judge

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12 cc: District Judge: Honorable James L. Robart
13 AUSA: Andy Colasurdo
14 Defendant's attorney: Jeffrey B. Coopersmith
15 Probation officer: Felix Calvillo, Jr.
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